IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24542 of 2004

Between:

Bathini Venkat Reddy, S/o Seethareddy, Dindichintapally
Village of Vangoor Mandal, Mahabubnagar District.

..... PETITIONER

AND

1 The District Collector, Mahabubnagar District.
2 The Revenue Divisional officer, Mahabubnagar District.
3 The Mandal Revenue Officer, Vangoor Mandal,
Mahabubnagar District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction particularly one in the nature of Writ of Mandamus declaring the impunged orders bearing No.Lr.No.E1/3818/2004, dt. 04/11/2004 as arbitrary, illegal and void and consequently set aside the same.

For the Petitioner: MR. K. SRINIVAS, Advocate

For the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

It is the case of the petitioner that though the suit filed by him in O.S. No.66 of 2004 is pending on the file of Junior Civil Judge, Kalwakurthy, Mahabubnagar District for declaration of his title and perpetual injunction in respect of an extent of Ac.0-10 guntas of land in Survey No.470/2 of Dindichintapally village, Vangoor Mandal of Mahabubnagar District, which was assigned to him by the Government on 26-02-2004 on payment of market value, and also for declaration of the show-cause notice dated 07-08-2004 issued by the Joint Collector, Mahabubnagar in respect of the land as illegal and void; and though respondent Nos.1 and 3 herein, who are party-defendants in O.S. No.66 of 2004, represented through Assistant Government Pleader, gave undertaking before the Junior Civil Judge's Court, Kalwakurthy on 12-08-2004 to the effect that they would not interfere in the possession of petitioner over the land in question, the first respondent issued the impugned order dated 04-11-2004 cancelling the assignment of the petitioner in respect of the land and directing the third respondent-Mandal Revenue Officer to take over possession of the land from the petitioner. Assailing the impugned order of the first respondent, the petitioner filed this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing on behalf of the respondents.

Inasmuch as the impugned order was said to have been issued by the first respondent canceling the assignment of the petitioner for the land and directing taking over possession of the land from the petitioner, in spite of his undertaking before the civil court not to interfere in the possession of petitioner over the land in question, and that too during the pendency of the civil suit, the proper remedy open to the petitioner is to file a contempt case before the Court in which the suit filed by him is pending.

Therefore, the writ petition has no merit and is accordingly dismissed. No costs.

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N.V. RAMANA, J

Date: 29-12-2004

Svv

To

1 The District Collector, Mahabubnagar District.

2 The Revenue Divisional officer, Mahabubnagar District.

3 The Mandal Revenue Officer, Vangoor Mandal,
Mahabubnagar District.

4 Two CCs. to the Government Pleader for Revenue, High Court Buildings, A.P., Hyderabad (OUT)

5 Two CD copies.